

Notice of Allowability

Application No.

10/037,718

Examiner

Kenneth R Horlick

Applicant(s)

MCGINNIS ET AL.

Art Unit

1637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response filed 09/03/03.
2. ☒ The allowed claim(s) is/are 2-4 (final claims 1-3).
3. ☒ The drawings filed on 04 January 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.
5. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**


7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |


Kenneth R Horlick
Primary Examiner
Art Unit: 1637 11/19/03

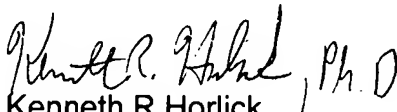
Art Unit: 1637

1. New claims 2-4 are identical to previous claims 3, 33, and 78, respectively, in parent application 09/623,068, which claims had been indicated as allowable. A Request for Continued Examination (RCE) has been filed after allowance of said parent application.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R Horlick whose telephone number is 703-308-3905. The examiner can normally be reached on Monday-Thursday 6:30AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Benzion can be reached on 703-308-1119. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.


Kenneth R Horlick
Primary Examiner
Art Unit 1637

11/19/03

Art Unit: 1637

ALLOWED CLAIMS/ TJ

2. (new) A process for identifying one or more bi-allelic markers linked to a bi-allelic genetic characteristic gene in a species of creatures, comprising the acts of:

a) choosing two or more bi-allelic covering markers so that a CL-F region is systematically covered by the two or more covering markers, the CL-F region being a collection of points on a two-dimensional plane, the two-dimensional plane having the two orthogonal dimensions of chromosomal location and least common allele frequency;

b) choosing a statistical linkage test based on allelic association for each covering marker;

c) choosing a sample of individuals for each covering marker ;

d) obtaining genotype data/sample allele frequency data for each covering marker and the sample chosen for each covering marker, and obtaining phenotype status data for the genetic characteristic for each individual in the sample chosen for each covering marker;

e) calculating evidence for linkage between each covering marker and the gene using the statistical linkage test based on allelic association chosen for each covering marker and the genotype data/sample allele frequency data for each covering marker and using the phenotype status data for the genetic characteristic for each individual in the sample chosen for each covering marker obtained in d); and

f) identifying those covering markers as linked to the genetic characteristic gene which show evidence for linkage based on the calculations of e).

3. (new) A process for obtaining genotype data/sample allele frequency data for each bi-allelic marker of a group of two or more bi-allelic covering markers in the chromosomal DNA of one or more individuals of a sample, each individual in the sample being a member of the same species, comprising:

a) determining information on the presence or absence of each allele of each bi-allelic marker of a group of two or more bi-allelic covering markers in the chromosomal DNA of one or more individuals of a sample, a CL-F region being systematically covered by the two or more bi-allelic covering markers, the CL-F region being a collection of points on a two-dimensional plane, the two-dimensional plane having the two orthogonal dimensions of chromosomal location and least common allele frequency; and

b) transforming the information of step a) into genotype data/sample allele frequency data for each marker of the group.

4. (new) One or more copies of a set of oligonucleotides, the set of oligonucleotides being complementary to a group of two or more bi-allelic covering markers of the same species, wherein the group of covering markers systematically cover a CL-F region, the CL-F region being a collection of points on a two-dimensional plane, the two-dimensional plane having the two orthogonal dimensions of chromosomal location and least common allele frequency.